UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/313,535	05/13/1999	KENNETH A. PARULSKI	73251/PRC	4050

1333   7590   02/09/2005

PATENT LEGAL STAFF
EASTMAN KODAK COMPANY
343 STATE STREET
ROCHESTER, NY 14650-2201

EXAMINER
MOE, AUNG SOE

ART UNIT	PAPER NUMBER
2612	

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

MAILED

FEB 09 2005

Technology Center 2600

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/313,535
Filing Date: May 13, 1999
Appellant(s): PARULSKI ET AL.

Pamela R. Crocker
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed on July 01, 2004.

(1)   ***Real Party in Interest***

A statement identifying the real party in interest is contained in the brief.

(2)   ***Related Appeals and Interferences***

A statement identifying the related appeals and interferences which will directly affect or

be directly affected by or have a bearing on the decision in the pending appeal is contained in the

brief.

(3)   ***Status of Claims***

The statement of the status of the claims contained in the brief is correct.

(4)   ***Status of Amendments After Final***

The appellant's statement of the status of amendments after final rejection contained in

the brief is correct.

(5)   ***Summary of Invention***

The summary of invention contained in the brief is correct.

(6)   ***Issues***

The appellant's statement of the issues in the brief is correct.

(7)   ***Grouping of Claims***

Appellant's brief includes a statement that claims 1-15, 26-28, 30-31 and 35-36 do stand

or fall together for Issue (I), and claims 1-7, 9, 10, 12-13, 14, 28-31, and 35-58 do stand or fall

together for Issue (II) and claims 8, 11, 14, 26 and 27 do stand or fall together for Issue (III) as

provided for the reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8)   ***Claims Appealed***

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9)   Prior Art of Record

JP 05-344460	YAMADA	12-1993
5,477,264	SARBADHIKARI et al	12-1995
5,515,101	YOSHIDA	5-1996

(10)   Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-7, 9-10, 12-13, 15, 28-31, 33 and 35-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada (Translation of JP No. Hei 5-344460) in view of Sarbadhikari et al. (U.S. 5,477,264).

Claims 8, 11, 14 and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada (Translation of JP No. Hei 5-344460) in view of Sarbadhikari et al. (U.S. 5,477,264), and further in view of Yoshida (U.S. 5,515,101).

This rejection is set forth in a prior Office Action, mailed on March 24, 2004.

(11)   Response to Argument

Issue (1)

Appellant's arguments, see page 3 of the brief, filed on 7/01/2004, with respect to 35 U.S.C. 112, first paragraph, have been fully considered and are persuasive. The rejection of 35 U.S.C. 112, first paragraph, has been withdrawn.

Issue (2)

Regarding independent claims 1, 29 and 30, the Appellant alleges (page 4 of the brief) that "the classification codes and corresponding images in Yamada et al. are therefore not stored using a tag name file configuration in the manner set fort in claims 1, 29 and 30".

In response, the Examiner respectfully disagrees because Yamada et al. do in fact discloses the use of "a tag name file" to store the "image files" therein. For example, the separate classification files (i.e., "flower", "temple" and "restaurant") as shown in Fig. 13 of Yamada et al. read on the "a separate tag name file" as claimed. As recited in the page 5, lines 10+, of the Appellant's specification, the "tag name file" is nothing more than the basic unit of storage (24b) that enable a computer of the digital camera to distinguish one set of information from another by providing classification of the images by subject matter. In this case, the "separate classification files" stored in the memory element (14) also provide the same function as "tag name file" as claimed because "large classification files" enable a computer (6) of the camera to distinguish one set of information (i.e., "flower") from another ("temple" and "restaurant") by providing classification of the image files (i.e., noted the image files corresponding to "small classification" as shown in Fig. 13).

In view of the above, the computer (6) of the camera system of Yamada et al. is capable of generating "a separate tag name file" (i.e., Classification files of "flower" , "temple" and "restaurant" as shown in Fig. 13) for each selected tag name (i.e., noted the "classification files" as shown in Fig. 13 where the user can select the specific "tag name" such as "KYOTO" or "NARA").

Furthermore, Yamada et al. discloses that the recording medium (14) is used to store each

of the image file (i.e., noted the each of the image file stored in the track numbers 1-11 of "small

classification" as shown Fig. 13) into the "tag name file" (i.e., Classification files of "flower" ,

"temple" and "restaurant" as shown in Fig. 13) corresponding to the "selected tag name" (i.e.,

noted the "classification files" such as "KYOTO" or "NARA" as shown in Fig. 13 is considered

as "selected tag name"). In view of this, it is clear from Fig. 13 of the camera system of Yamada

et al that the memory (14) is capable of storing "two or more tag name files" (i.e., "flower" ,

"temple" and "restaurant" as shown in Fig. 13) with each "tag name file" (i.e., "flower") storing

two or more image files (i.e., noted the image files stored in track 1-2 corresponding to a specific

"tag name files" such as "flower").

Moreover, the Appellant further addressed the physical structure of the floppy disk 14 for

storing the classification codes and the image data, and further alleged that the images stored in

portion 14b of floppy disk 14 are **not combined** with their corresponding classification codes

into a tag name file having multiple images associated therewith, in accordance with the

limitations of claims 1, 29 and 30" (i.e., see page 5 of the remarks).

In response, it is noted that the recording of the classification codes and the image data in

the system of Yamada et al. is not limited to a specific recording medium such as the floppy disk

(14) of Fig. 2. In fact, Yamada et al. discloses that different recording mediums, such as a hard

disk or a semiconductor memory (i.e., see paragraph 0021) or process (i.e., noted the different

recording process as shown in Fig. 11), thus, the recording technique may vary based on the use

of different recording medium. However, this does not mean that the image files are not stored

into the "tag name file" (i.e., classification code files). For example, it is clear from Fig. 11 of

Yamada et al. that each track (N) contain not only the image files recording area but also an ID

area and User's area for recording the "classification codes" therein (i.e., see paragraphs 0003,

0015 and 0018), so that only the pictures (i.e., the image files) related to the specific

classification code (i.e., "tag name file") is recorded/reproduced upon request. This is further

evidenced by the example of hierarchically-classified classification files as shown in Fig. 13 of

Yamada et al..

In addition, the Appellant argues (in page 5 of the remarks) that "there is **no combination**

of multiple image files into a tag name file as claimed".

In response to applicant's argument that the references fail to show certain features of

applicant's invention, it is noted that the features upon which applicant relies (i.e., noted that

none of claims 1, 29 or 30 required "**combination/combined**" of multiple "image files" into "a

tag name file") are not recited in the rejected claim(s). In this case, claims 1, 29 and 30 merely

recited that "a removable memory for **storing** each of *the image files* into the *tag name file*

corresponding to the selected *tag name,* wherein the removable memory **stores** two or more *tag*

name files with each *tag name file* **storing** two or more *image files*".

As discussed above, Yamada et al. clearly discloses the above-mentioned claimed   ·

limitations. In particular, Fig. 13 of Yamada et al. clearly show that the image files (i.e., noted

the image files stored on tracks "1-2" are corresponding to "flower" file, and the tracks 3-8 are

corresponding to "temple" and "restaurant" files) are stored into the respect a separate tag name

files (i.e. noted the "flower", "temple" and "restaurant" files) corresponding to the selected tag

name (i.e., KYOTO), so that all the flower image files are only stored into the tag name file of

"flower". As a result, the user the user can easily retrieve the desirable pictures from a specific

"tag name files" by selecting "tag name" (i.e. "KYOTO" , "flower").

In page 6 of the remarks, the Appellant further argues that "there is no indication in

Yamada et al. that a given image file associated with the large classification code of Fig. 13 is

stored into a separate tag name file corresponding to the selected tag name, as would be required

by the claims".

In response, the Examiner respectfully disagrees because if the *image files* are not stored

into a separate *tag name file* corresponding to the selected *tag name* as alleged by Appellant,

then it would be impossible to retrieve or reproduce a specific *image file* by entering a selected

tag name, and this is the sole intention of the system of Yamada et al.. In this case, Yamada et

al. clearly disclosed in the paragraph 0020 that "when KYOTO, "restaurant", and "KAISEKI-

foods" are designated as the large classification code, the middle classification code, and the

small classification code, respectively, the image recorded on the track 7 is reproduced. In view

of this, it is cleared that a given image file (i.e., the image file stored in the track 7 of the

removable memory 14) is associated with the classification codes is stored into a separate tag

name file (i.e., "restaurant" file) corresponding to the selected tag name (i.e., noted that the key

input circuit 28 is used to enter the specific classification code by the user during the

recording/reproducing process; see paragraphs 0017+ and 0021+).

In pages 6-7 of the remarks, the Appellant further alleged that Sarbadhikari et al.

reference fails to supplement the deficiencies of Yamada et al., because Sarbadhikari et al.

reference does not show image files corresponding to the captured images are stored in tag name

files corresponding to the selected tag names, that there are two or more tag name files, and that

each tag name file stores two or more image files as required by the present claimed invention.

In response, Appellant cannot show non-obviousness by attacking the references

individually where, as here, the rejection is based on a combination of references.

In this case, Yamada et al. reference, as discussed above, shows the above-mentioned

claimed limitations, and Sarbadhikari et al. references is merely used to show the well known

teaching of downloading the image files from the camera in response to the initiation request

form the external computer system (i.e., Fig. 11, col. 11, lines 22+). In view of this, the

Examiner continues to assert that processing of image files of Yamada et al. in a computer

system of Sarbadhikari et al. would clearly enable increase sophistication of image processing of

the captured images and would increase the degree to which the processed images would be

available to other processing, reproducing and/or viewing facilities, thereby clearly enhance the

utility of the device, thus, it would have been obvious to one having ordinary skill in the art at

the time of the invention was made to modify the system of Yamada et al. as taught by

Sarbadhikari et al. as set forth in previous Office Action.

In view of the above discussion, dependent claims 2-7, 9-10, 12-13, 15, 28, 30, 31, 33

and 35-38 are considered obvious over the combination of Yamada et al. and Sarbadhikari et al.

for at least the reasons discussed above with regard to their corresponding independent claims.

Issue (3)

With respect to Issue 3, the Appellant merely ~~re-alleged~~ sets forth the same argument as set forth

for Issue (2), thus, the Appellant's attention is directed to the Examiner's comments with respect

to claims 1, 29 and 30 as discussed above.

In addition, the Appellant further alleged that Yoshida reference fails to show the tag

name file configuration and its associated processing operations.

In response, the Examiner respectfully disagrees because Yoshida reference is cited only

to suggest the conventional use of tag names as alphanumeric names as recited in the present

claimed invention. In particular, Yoshida clearly teaches that a memory means (7) is capable of

storing a plurality of tag name (i.e., Titles: wedding, baby, etc.) providing classification of the

images captured by the image sensor (22), and at col. 8, lines 60, Yoshida teaches that titles

overlaid on image can be alphanumeric (text strings), thus, the Examiner continues to assert that

it would have been obvious to one having ordinary skill in the art at the time the invention was

made to modify the system of Yamada et al. by providing alphanumeric names (i.e., tag names)

as taught by Yoshida so that it would increases the quantity of available unique names for

categorizing images as set forth in the previous detailed Action.

In view of the above discussion, the Examiner believes that the combined teachings of

Yamada et al., Sarbadhikari et al. and Yoshida render obvious the present invention as set forth

in dependent claims 8, 11, 14, 26 and 27 for at least the reasons discussed above.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Aung S. Moe
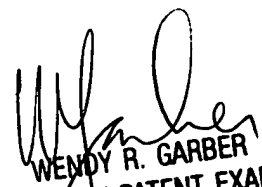Primary Examiner
Art Unit 2612

A. Moe
January 24, 2005

WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Conferees
Andy Faile (SPE)
Wendy Garber (SPE)

ANDREW FAILE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER

PATENT LEGAL STAFF
EASTMAN KODAK COMPANY
343 STATE STREET
ROCHESTER, NY 14650-2201